

§ 75-126. Production.

No person shall advertise or conduct a live musical performance or production in this State through the use of a false, deceptive, or misleading affiliation, connection, or association between a performing group and a recording group. This section does not apply if any of the following apply:

- (1) The performing group is the authorized registrant and owner of a federal service mark for that group registered in the United States Patent and Trademark Office.
- (2) At least one member of the performing group was a member of the recording group and has a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group.
- (3) The live musical performance or production is identified in all advertising and promotion as a salute or tribute, or the vocal or instrumental group performing is not so closely related or similar to that used by the recording group that it would tend to confuse or mislead the public.
- (4) The advertising does not relate to a live musical performance or production taking place in this State.
- (5) The performance or production is expressly authorized by the recording group. (2009-284, s. 1.)